

The Examiner's attention is directed to the preliminary amendment that was filed February 21, 2001, prior to receipt of this Official Action. This amendment added 4 new claims. It is expected that with these new claims, another group III will be added.

MPEP § 803 mandates two criteria for proper restriction requirement: 1) the inventions must be independent or distinct as claimed; and 2) there must be a serious burden on the Examiner if restriction is not required. Further, a *prima-facie* case of serious burden upon the Examiner is shown by a) separate classification, b) separate status in the art, or c) a different field of search for the claimed inventions.

"Independent", according to the MPEP, means, "there is no disclosed relationship between the two or more subjects disclosed". The inventions of Groups I-II are clearly related, having arisen from a singular research effort, and being related as truncated CXC chemokines.

Applicants are not aware that the groups are not patentably distinct, and are aware of no evidence to the contrary.

A restriction requirement under 35 U.S.C. § 121 is fully discretionary on the part of the Examiner. Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement and allow the claims of Groups I-II to be examined and issued in a single application.

II. Sequence Listing

The Examiner states that the application fails to comply with the requirements of 37 CFR 1.821 through 1.825 because the applicant must provide an initial or substitute computer readable form of the sequence listing and a statement that the content of the paper and computer readable copies are the same.

The computer readable form in this application, 09/467,160, is identical with that filed in Application Number 08/557,142, filed March 5, 1996. In accordance with 37 CFR 1.821(e), please use the computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper

Serial No.: 09/467,160
Group Art Unit No.: 1647

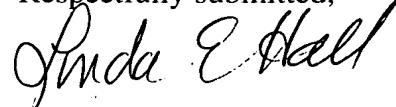
- 3 -

copy of the Sequence Listing is included in the originally filed specification of the instant application.

III. Drawings

Copies of the final drawings submitted in the issued parent application are submitted herewith.

Respectfully submitted,



Linda E. Hall
Attorney for Applicants
Registration No. 31,763

SMITHKLINE BEECHAM CORPORATION
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5016
Facsimile (610) 270-5090
N:\LEH\CASESP5016\CPA\ID\restriction.doc